

# JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS

## 2011-2013 COMMISSION PROCEDURES

- **Purpose:** The Joint Legislative Commission on Governmental Operations was created in 1975 (G.S. 120-71 through 120-79) to provide ongoing legislative examination and review of public policies, expenditures and reorganization implementation between legislative sessions. The Commission's oversight function includes, but is not limited to, evaluation of program costs and benefits, management effectiveness issues, internal control issues, and compliance issues. Various general statutes and session laws also require State agencies and other entities to consult with the Governmental Operations Commission before taking action on a particular issue or to submit reports for its review.

**Meeting Dates and Times:** With the exception of the November 29, 2011 meeting, the Commission will meet at 9:00 am on the fourth Tuesday of each month during the interim (between legislative sessions). All meetings will be noticed on the General Assembly's interim calendar at <http://www.ncleg.net/LegislativeCalendar/>.

- **Agenda:** Every effort will be made to publish the Commission's agenda on the General Assembly's website by the Thursday preceding the meeting. After the agenda has been posted, items may be added or deleted only with the approval of the Office of the Speaker of the House and the Office of the President Pro Tempore of the Senate.
- **Agency Deadline for Agenda Development is the First Business Day of the Month:** State agencies and other entities that wish to have items considered for an agenda must submit their requests and all necessary documents to the Commission email address no later than 5:00 pm the first business day of the month of the scheduled meeting. **(The exception is a deadline of November 7 for the November 29 meeting.)** After consulting with the Chairs of the Governmental Operations Commission, Fiscal Research staff will notify State agencies and other entities scheduled to appear before the Commission.
- **Commission Staff:** The Fiscal Research Division (FRD) and the Bill Drafting Division serve as staff to the Governmental Operations Commission. The Joint Budget Development Team in FRD serves as lead staff to the Speaker of the House and the President Pro Tempore of the Senate, who co-chair the Commission. Although there are no permanent or standing subcommittees of the Commission, the Chairs may appoint subcommittees as needed.

## General Procedures

- **Responsibilities for Reports and Consultations:** State agencies, institutions, boards, commissions and other entities are solely responsible for complying with all reporting and consultation requirements mandated by State law.
- **Submission of Reports and Consultation Documents:** All reports and consultation documents must be submitted electronically to the Governmental Operations Commission email address ([govops@ncleg.net](mailto:govops@ncleg.net)) by the required date or within the appropriate timeframe specified in statutes and session laws. If you are unsure of the required due date, please contact the Fiscal Research Division. If you do not have the capability to submit a document electronically, please contact Kathy Davis, Commission Assistant, at (919) 733-5850 or the Fiscal Research Division at (919) 733-4910.
- **Notice of Receipt of Consultation Requests:** All consultation requests submitted to the Commission e-mail address will receive an electronic response acknowledging receipt of the required report. When necessary, this response can be shared with the Codifier of the Rules to acknowledge compliance with the law.
- **Documents Posted on the Web:** All reports and consultation documents submitted to the Commission's email address will be posted to the Commission's web site. Commission members will be notified by email when these documents have been posted on the website. Please note that previously posted documents will not be removed from the Commission's web site. In the event of a change in or correction to a previously posted document, a clearly noted and corrected document will be posted and cross-referenced.
- **Copies for Meetings:** The Commission Assistant will be responsible for making copies of reports and consultation documents for Commission meetings. However, based on the type and length of the report, a reporting or consulting entity may be required to submit hard copies for distribution. In these instances, reporting or consulting entities will be notified of the number of copies required and the deadline for submission. Otherwise, it is not necessary to submit hard copies.
- **Communication with Fiscal Research Staff:** The email address of the Commission is for receiving submissions and confirming receipt of those submissions only. Please do not reply to this email address. If you have questions or require assistance, please contact a member of the Joint Budget Development Team of the Fiscal Research Division at (919) 733-4910.

## Consultation Requirements

- **Consultation Requirements (Except Fees and Charges):** Pursuant to G. S. 120-76.1, a consulting entity must submit a detailed report to the Chairs of the Commission, the Commission Assistant, and the Fiscal Research Division. If the Governmental Operations Commission does not meet to hear the consultation within 90 days after receiving the detailed report and the appropriate fiscal analyst determines that the report is complete, then the consultation requirement is deemed satisfied. If the Commission does meet within 90 days, Fiscal Research will contact the consulting entity about appearing before the Commission.
- **Consultations Regarding Fees and Charges:** Pursuant to G.S. 12-3.1, a consulting entity that adopts a rule to establish or increase a fee or charge must submit a request for consultation to all members of the Commission, the Commission Assistant, and the Fiscal Research Division on the same date the notice of the text of the rule is published. This request must contain a written report stating 1) the amount of the current fee or charge, if applicable, 2) the amount of the proposed new or increased fee or charge, 3) the statutory authority for the fee or charge, and 4) a detailed explanation of the need for the establishment or increase of the fee or charge. If the Commission does not meet to hear the consultation within 90 days after the text of the rule has been published and the consultation request has been submitted and determined to be complete by the appropriate fiscal analyst, the consultation requirement is deemed satisfied. If the Commission does meet within 90 days, Fiscal Research will contact the consulting entity about appearing before the Commission.

Section 6.3 of S.L. 2011-145, 2011 Appropriations Act, provides that an agency is not required to consult with the Governmental Operations Commission prior to establishing or increasing a fee authorized or anticipated in S.L. 2011-145.

- **Budget Deviations:** G.S. 143C-6-4 of the State Budget Act sets forth the limited circumstances under which an agency may spend more than was appropriated in the certified budget for a purpose or program. Prior consultation with the Commission is required when the overexpenditure results in the total requirements for the agency exceeding the agency's certified budget for the fiscal year by more than three percent (3%). The Director of the Budget must report all other overexpenditures allowed under G.S. 143C-6-4 accordingly.
- **2011 Appropriations Act, Session Law 2011-145 (as amended by S.L. 2011-391)**

The 2011 Appropriations Act contains several requirements for consulting with the Commission prior to taking specific action. Listed below are those provisions from S.L. 2011-145 that affect all State agencies (provisions requiring individual agencies to consult with the Commission are not listed here).

  1. **Other Receipts From Pending Grant Awards:** Section 5.2 requires the Office of State Budget and Management to consult with the Commission prior to allowing State agencies to expend grant funds not previously appropriated by the 2011 Appropriations Act.
  2. **Creation of Special Funds:** Section 6.4 requires the Office of the State Controller and the Office of State Budget and Management to consult prior to the creation of a

new special fund, as defined in G.S. 143C-1-3. Please note that this consultation requirement does not apply to the General Fund or Capital Projects Funds.

- 3. Information Technology Operations:** Section 6A.2.(f) requires State agencies developing and implementing information technology projects/applications to use the State infrastructure to host their projects, unless exceptions are approved by the State Chief Information Officer and by the Office of State Budget and Management. These exceptions are subject to consultation with the Joint Legislative Commission on Governmental Operations.

## CONTACTS

Joint Legislative Commission on Governmental Operations Email Address: [govops@ncleg.net](mailto:govops@ncleg.net)

This email address is only for the submission of reports and consultation documents. Please direct your inquiries/comments to the Fiscal Research staff or the Commission Assistant using the contact information below.

Commission Website: [www.ncleg.net](http://www.ncleg.net)

- Click on "Committees" in the navy blue bar at the top of the home page
- Click on "Committee Websites" under the header "Browse Committees by Type"
- Click on "[Governmental Operations, Joint Legislative Commission on](#)"

Commission Committee Assistant:

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